

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :

Plaintiff, :
v. : Cr. A. No. 07-229-M
GARY A. JOHNSON, :
Defendant. :
:

ORIGINAL

MOTION FOR DETENTION HEARING

NOW COMES the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. Eligibility of Case. This case is eligible for a detention order because case involves (check all that apply):

- Crime of violence (18 U.S.C. § 3156)
- Maximum sentence life imprisonment or death
- 10+ year drug offense
- Felony, with two prior convictions in above categories
- Minor victim
- Possession/ use of firearm, destructive device or other dangerous weapon
- Failure to register under 18 U.S.C. § 2250
- Serious risk defendant will flee
- Serious risk obstruction of justice

2. Reason For Detention. The court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- Defendant's appearance as required
 Safety of any other person and the community

3. **Rebuttable Presumption.** The United States will/will not invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (check one or both):

- Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c), or a federal crime of terrorism, or a specified offense (_____) with minor victim
 Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

- At first appearance
 After continuance of 3 days (not more than 3).

5. **Temporary Detention.** The United States request the temporary detention of the defendant for a period of _____ days (not more than 10) so that the appropriate officials can be notified since (check 1 or 2, and 3):

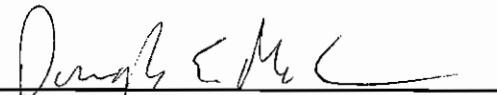
1. At the time the offense was committed the defendant was:
 (a) on release pending trial for a felony;
 (b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;
 (c) on probation or parole for an offense.
 2. The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.
 3. The defendant may flee or pose a danger to any other person or the community.

6. **Other Matters.**

DATED this 16th day of November, 2007.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: 
Douglas E. McCann
Assistant United States Attorney